

## **TIME OUT AND THERAPEUTIC RESTRAINT ADMINISTRATIVE PROCEDURE**

These procedures are established for the purpose of meeting the obligations of MSAD #59 under state law and local School Board policies governing the use of designated time out rooms and therapeutic restraint. These procedures shall be interpreted in a manner consistent with state law and regulations.

### **I. DEFINITIONS**

#### **A. “Designated Time Out Room”**

A designated time out room is a room used specifically to isolate a student for the purpose of bringing under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that presents a risk of injury or harm to that student or to others and, in the judgment of those involved, cannot be controlled through interventions short of isolation in the designated time out room.

This policy and any accompanying procedures do not apply to interventions such as sending a student to the principal’s office, to any staff member’s room or office, or to any other such setting, but is instead limited to use of a room specifically designated by the Superintendent for the purpose of isolating students as described above. Use of this area to control student behavior must comply with this policy and any procedures developed hereunder.

#### **B. “Therapeutic Restraint”**

Therapeutic restraint is physical restraint of a student for the purpose of preventing that student from injuring him/herself or others when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as defined in this policy and any accompanying procedures should be administered by personnel trained in that restraint.

Therapeutic restraint does not include any intervention by any school official that would otherwise be governed by state law on the use of reasonable force (20-A MRSA § 4009), which includes the use of a reasonable degree of force by school officials against a person who is creating a disturbance, when the official believes that force is necessary to control the disturbing behavior or to remove the person from the scene of the disturbance.

### **II. DESIGNATION OF TIME OUT ROOMS**

A. If the Superintendent determines that there is a need for a designated time out room in a particular school building, he/she shall designate the room to be used for that

purpose and shall ensure that said room meets the requirements of these procedures. The building principal shall be familiar with these procedures on the use of the designated time out room. Once a room has been designated specifically for this purpose, it shall not be used in any manner that would be inconsistent with its use as a designated time out room.

B. Designated time out rooms must be a minimum of 60 square feet, with adequate light, heat and ventilation and of normal room height. The door to the time out room may not be locked, latched or secured in any way that would prevent the student from exiting the room. An unbreakable observation window shall be located in a wall or door to permit continuous observation of the student and any staff member in the time out room.

### III. USE OF DESIGNATED TIME OUT ROOMS

C. The designated time out room shall be used specifically for the purpose of isolating a student to bring under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that presents a risk of injury or harm to that student or to others and cannot be controlled through interventions short of isolation in the designated time out room. The designated time out room shall not be used for punitive purposes, for staff convenience or to control minor misbehavior.

B. The designated time out room shall be used only after less intrusive interventions have failed to bring the student's behavior under control. A student should remain in the designated time out room only for the time necessary for the student to compose him/herself sufficiently to return to the classroom with minimal risk that the behavior will quickly reoccur, in the opinion of school officials monitoring the intervention.

C. School officials shall not keep a student in the designated time out room for more than one hour. If the student continues to present dangerous behaviors after this period of time, the placement in that room may be continued only with written authorization of the building principal or designee. In that event, the student's parent/guardian should also be called for the purpose of taking the student home for the remainder of that school day.

D. Students in a designated time out room shall be directly observed at all times by a staff person.

E. School officials monitoring a student in the designated time out room shall not secure the door to that room in any manner, including holding the door so as to keep the student shut in that room. In the event that a student who is actively demonstrating dangerous behaviors attempts to leave the room, the staff member may use restraint to ensure safety and should attempt to arrange for emergency personnel and the parents to be contacted.

F. If, at any point during the student's stay in the designated time out room, the building

principal or his/her designee believes that the student cannot be maintained safely even in that setting, the building principal/designee shall call the student's parent/guardian to come pick up the student, and may also call other emergency personnel for the purpose of taking custody of the student and ensuring the student's safety.

#### IV. DOCUMENTING USE OF THE DESIGNATED TIME OUT ROOM

D. Each time a student is placed in a designated time out room, a school official involved in that decision shall document the action. The documentation must include the following:

1. Name of student
2. Date and time of placing the student in the room;
3. Time that the placement ended;
4. Antecedent events leading up to the behavior requiring placement;
5. The behavior itself leading to the placement;
6. Other types of intervention that may have been used;
7. Names of staff members involved in the incident; and
8. Name of staff members who monitored the student's placement in the designated time out room;
9. If a call is placed to the family or to emergency personnel, it should be noted in the documentation as well.

E. This written documentation shall be provided to the building principal/designee within two school days of the incident itself. If possible, the parents/guardian should be notified of the incident on the same day of the student's placement in the designated time out room, or as soon as possible thereafter.

#### V. USE OF THERAPEUTIC RESTRAINT

A. Therapeutic restraint as covered by these procedures shall be used only for the purpose of preventing a student from injuring him/herself or others, when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as covered by these procedures shall be used only after less intrusive interventions have failed to bring the student's behavior under control.

B. Attempts shall be made to involve the parents in developing an individualized, written plan that specifically calls for therapeutic restraint. For students with disabilities, the student's Pupil Evaluation Team or 504 Team may develop such a plan if the Team determines it is appropriate to do so.

C. Therapeutic restraint as covered by these procedures shall involve the least amount of physical contact that is required to bring the behavior under control and should be implemented by persons who have successfully completed an appropriate training program in the identification and de-escalation of potentially harmful behaviors and the safe use of passive physical therapeutic restraints.

D. At least two adults should be involved in the use of therapeutic restraint as covered by these procedures, and, if possible, both adults should have completed an appropriate training program. In the event that an emergency situation prevents the presence of two adults for the therapeutic restraint, one individual may undertake the intervention and his/her conduct shall be protected to the full extent allowed by state law on the use of reasonable force in emergencies (20-A MRSA § 4009).

## VI. DOCUMENTING USE OF THERAPEUTIC RESTRAINT

A. Each time a student is subject to therapeutic restraint as covered by these procedures, a school official involved in that decision shall document the action. The documentation must include the following:

1. Name of the student;
2. Date and time of restraint;
3. Time that the restraint ended;
4. Antecedent events leading up to the behavior requiring the restraint;
5. The behavior itself requiring the restraint;
6. Other types of intervention that may have been used;
7. Names of staff members involved in the incident; and
8. Names of staff members who monitored the student's placement in the designated time out room.
9. If a call is placed to the family or to emergency personnel, that should be noted in the documentation as well.

B. This written documentation shall be provided to the building principal/designee within two school days of the incident itself. If possible, the parents/guardian shall be notified of the incident on the same day that therapeutic restraint is used on the student, or as soon as possible thereafter.

## VI. PROHIBITION OF AVERSIVE THERAPY

A. School officials shall not use aversive therapy on a student to modify or change that student's behavior. "Aversive therapy" is the application of unusual, noxious or potentially hazardous substances, stimuli or procedures to a student. Aversive therapies include the use of water spray, hitting, pinching, slapping, noxious fumes, extreme physical exercise or embarrassing costumes or signs.

B. The use of mechanical or chemical restraints by school officials is prohibited by these procedures. These procedures do not prohibit protective equipment or devices that are part of a treatment plan prescribed by a physician or psychologist for treatment of a chronic condition.

Legal Reference: 20-A MRSA § 4502(5)(M) and accompanying regulations  
20-A MRSA § 4009

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